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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

)  
Amendment of Part 61 of the )  
Commission's Rules to Require )  
Quality of Service Standards )  
in Local Exchange Carrier Tariffs )

RM-7967  
AAD-92-39

OPPOSITION

U S WEST Communications, Inc. ("U S WEST"),<sup>1</sup> through counsel and pursuant to the Federal Communications Commission's ("Commission") Public Notice,<sup>2</sup> hereby files its Opposition to the Joint Petition for Rulemaking filed by the International Communications Association ("ICA") and the Consumer Federation of America ("CFA") on April 6, 1992.

I. INTRODUCTION

In their petition, ICA and CFA urge the Commission to open a rulemaking proceeding for the purpose of requiring price cap local exchange carriers ("LEC") to include quality of service standards in their tariffs.<sup>3</sup> U S WEST opposes this petition for two reasons. First, the issue of tariffing quality of service standards has already been considered and rejected by the Commission in its price cap proceeding. Second, U S WEST does

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<sup>1</sup>U S WEST is a common carrier provider of exchange access and exchange telecommunications services.

<sup>2</sup>Public Notice, DA 92-634, rel. May 21, 1992.

<sup>3</sup>Petition at 1.

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not believe that including quality of service standards in tariffs accomplishes anything other than increasing the administrative burden on the Commission.

II. A RULEMAKING ON INCLUDING QUALITY OF SERVICE STANDARDS IN TARIFFS WOULD SERVE NO PURPOSE AT THE PRESENT TIME

The issue of whether quality of service standards should be included in the tariffs of price cap LECs was addressed in the Commission's price cap proceeding. One of the main issues in the price cap proceeding was the impact, if any, of price cap regulation on LEC quality of service. The Commission expanded its monitoring of service quality and increased reporting requirements for LECs under price caps.<sup>4</sup> However, the Commission refused to adopt uniform quality of service standards for price cap LECs<sup>5</sup> or to require that any such standards be included in LEC tariffs.<sup>6</sup> ICA and CFA and a number of other parties jointly challenged the Commission's decision not to require standards in LEC tariffs in an Application for Review ("AFR").<sup>7</sup> Despite the

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<sup>4</sup>See Policy and Rules Concerning Rates for Dominant Carriers, 5 FCC Rcd. 6786, 6827-31 ¶¶ 332-64 (1990) ("LEC Price Cap Order"), on recon., 6 FCC Rcd. 2637, 2716-27 ¶¶ 174-93 (1991) ("LEC Price Cap Recon. Order"), appeals pending sub nom. D.C. PSC v. F.C.C., No. 91-1279 (D.C. Cir. pet for rev. filed June 14, 1991); see generally Policy and Rules Concerning Rates for Dominant Carriers, 6 FCC Rcd. 2974 (1991) ("Reporting Requirements Order"), Erratum, 6 FCC Rcd. 3473 (1991).

<sup>5</sup>LEC Price Cap Order, 5 FCC Rcd. at 6828 ¶ 342, 6853 n.455.

<sup>6</sup>Reporting Requirements Order, 6 FCC Rcd. at 2991-92 ¶ 44.

<sup>7</sup>See Application for Review of Tele-Communications Association, filed June 17, 1991 in Policy and Rules Concerning Rates for Dominant Carriers, CC Docket No. 87-313.

fact that this AFR is still pending before the Commission, ICA and CFA filed the instant petition for rulemaking, which basically raises the same issue. Petitioners attempt to differentiate the instant petition from other Commission proceedings on service quality and price cap regulation by referencing "new information"<sup>8</sup> and by narrowly limiting the scope of the petition to tariff issues. Despite these efforts, it is clear that the issues raised in the instant petition and the price cap proceeding are the same.

The Commission has already indicated that it plans to consider quality of service standards, price, earnings and technological progress in its review of LEC price cap performance.<sup>9</sup> This review is expected to begin at the end of the third year of price cap regulation (i.e., 1993) and be completed by the end of the fourth year.<sup>10</sup> If the Commission determines there is a need to include quality of service standards in

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<sup>8</sup>Petition at 2. The "new information" that petitioners reference is a Congressional Report on network reliability and quality of service standards. See "Review of Telephone Network Reliability and Service Quality Standards," Majority Staff Report prepared for the use of the Subcommittee on Telecommunications and Finance of the Committee on Energy and Commerce, U.S. House of Representatives, Feb. 1992. While this Report is a valuable compilation of information on LEC and interexchange carrier ("IXC") internal service quality standards, it provides no additional information which would lead the Commission to conclude that such standards should be included in LEC tariffs. This is particularly true given the Commission's exhaustive consideration of quality of service issues in the price cap proceeding.

<sup>9</sup>LEC Price Cap Order, 5 FCC Rcd. at 6834 ¶ 389.

<sup>10</sup>Id. at ¶ 385.

tariffs, this issue can be addressed in the comprehensive price cap review. No purpose would be served by instituting a separate rulemaking to address these issues at the present time.<sup>11</sup> As such, the Commission should deny ICA and CFA's petition for rulemaking.

III. INCLUDING QUALITY OF SERVICE STANDARDS IN LEC TARIFFS IS BURDENSOME AND WILL FURTHER COMPLICATE TARIFF PROCEEDINGS

U S WEST disagrees with petitioners' assertion that the inclusion of quality of service standards in tariffs will not be burdensome.<sup>12</sup> If standards are included in LEC tariffs, any modifications in standards will require a tariff filing with the Commission. While initial tariff filings in themselves may not be a great burden to any single LEC, these filings could be very burdensome to the Commission in the aggregate. The real burden and cost of such filings to both LECs and the Commission would arise as a result of the inevitable debate over and defense of any LEC standards. As the Commission observed in refusing to require LECs to include standards in their tariffs:

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<sup>11</sup>This is not to say that U S WEST is not concerned about quality of service. Quite the contrary, U S WEST is making a concerted effort to improve the quality of its products and services, both in terms of reducing installation/maintenance intervals and minimizing "re-work." Numerous U S WEST standards are already contained in Technical publications, Service Interval guides and other publicly available documents. U S WEST does not believe that an additional requirement to include these standards in tariffs will do anything other than increase the administrative burden on both the Commission and LECs.

<sup>12</sup>Petition at 15-17.

It appears likely that a requirement that interstate tariffs include service quality standards would lead to various challenges of the standards so filed, with the result that the Commission would be expected to rule upon the acceptability of these standards, and probably to enforce them.<sup>13</sup>

Clearly, this would not be the simple task that petitioners have claimed.<sup>14</sup> U S WEST agrees with the Commission's finding in its price cap proceeding that any benefits associated with including quality of service standards in LEC tariffs can be realized through the Commission's monitoring program.<sup>15</sup> As such, including standards in LEC tariffs will serve no worthwhile purpose at the present time.

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<sup>13</sup>Reporting Requirements Order, 6 FCC Rcd. at 2991-92 ¶ 44.

<sup>14</sup>ICA and CFA admit as much in the words of their petition: "The users which comprise the Joint Petitioners would themselves oppose a tariff revision which set an unacceptably low standard for service quality." Petition at 16.

<sup>15</sup>Reporting Requirements Order, 6 FCC Rcd. at 2991-92 ¶ 44.

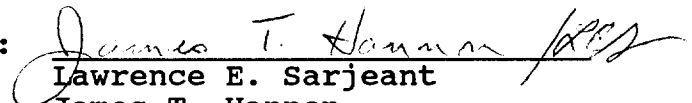
IV. CONCLUSION

For the foregoing reasons, U S WEST urges the Commission to deny ICA and CFA's petition for rulemaking.

Respectfully submitted,

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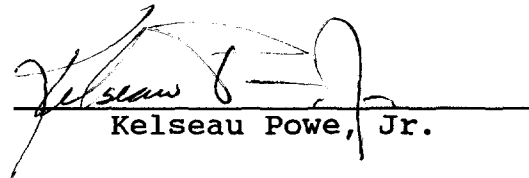
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June 22, 1992

CERTIFICATE OF SERVICE

I, Kelseau Powe, Jr., do hereby certify on this 22th day of June, 1992, that I have caused a copy of the foregoing **OPPOSITION** to be served, via first class United States mail, postage prepaid, to the persons named on the attached service list.

  
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